

2006 Biennial Report Nevada Division of Environmental Protection

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ADMINISTRATIVE OFFICES

Purpose:

The Division is responsible for implementation of environmental regulatory programs designed to protect public health and the environment. The Office of the Administrator provides policy and programmatic support to the ten Bureaus and the Office of Fiscal and Personnel Management as well as the Division's offices in Las Vegas and Pahrump.

Organizational Structure:

The Division includes ten Bureaus: Air Quality Planning, Air Pollution Control, Water Pollution Control, Water Quality Planning, Safe Drinking Water, Mining Regulation and Reclamation, Corrective Actions, Waste Management, Federal Facilities and the Bureau of Environmental Information and Planning. The Division also provides staff support for the State Environmental Commission, the Board to Finance Water Projects and the Board to Review Petroleum Claims.

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| STATUTORY AUTHORITY: | NRS 232.136, 444, 444A, 445A, 445B, 445C, 459, 486A, 519A, 590, and 704 | |
| NUMBER OF EMPLOYEES: | 238.5 FTE / 2005 | |
| TELEPHONE: | Carson City 775.687.4670 | Las Vegas 702.486.2850 |
| WEB SITE ADDRESS: | www.ndep.nv.gov | |

Key Long Term Objectives

1. To achieve and maintain levels of air quality that will protect human health and safety, prevent injury to plant and animal life, minimize the risk of chemical accidents, prevent damage to property, and preserve the scenic, historical and aesthetic treasures of the State
2. To protect the waters of the State from the discharge of pollutants of all kinds in order to preserve beneficial uses of water and maintain healthy aquatic habitat
3. To protect public health by assuring safe drinking water is supplied to all residents and visitors to Nevada through administration of certification and regulatory programs that adhere to Federal standards established under the Safe Drinking Water Act
4. To ensure safe management of solid and hazardous waste; promote waste reduction, reuse, and recycling
5. To assess and, if necessary, clean up contaminated properties to levels appropriate for their beneficial reuse

6. To provide financial and technical assistance to businesses and municipalities to enable compliance with environmental laws; to inform the public about the quality of the environment and issues of concern; and to involve citizens in decision-making processes

Significant Legislation Or Executive Action Affecting The Agency:

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| AB020 | Increases amount of general obligation bonds that State Board of Finance may issue to support program to provide grants for water conservation and capital improvements to certain water systems. (BDR 30-753) |
| SB016 | Authorizes use of money in Petroleum Fund for cleanup of discharges involving petroleum and other discharges under certain circumstances. (BDR 51-662) |
| SB018 | Revises provisions governing program that provides grants for water conservation and capital improvements to certain water systems. (BDR 30-707) |
| SB062 | Creates a Water Rights Protection Fund to be administered by the Board to Finance Water Projects. |
| SB263 | Adopts Uniform Environmental Covenants Act. (BDR 40-359) <i>[provides legal framework for instituting land use controls at formerly contaminated properties]</i> |
| SB395 | Transfers responsibility for operation of certain programs from Health Division of Department of Human Resources to Division of Environmental Protection of State Department of Conservation and Natural Resources. (BDR 40-660) |
| SB396 | Revises provisions concerning sanitation and recycling programs and grants. (BDR 40-401) <i>[also includes mandatory liner requirement for new hazardous waste disposal sites]</i> |

BUREAU OF AIR POLLUTION CONTROL

Purpose:

The Bureau's purpose is to achieve and maintain levels of air quality, which protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve the scenic, historical and aesthetic treasure of the State while promoting a robust economy.

Staff evaluates potential air quality impacts and establishes appropriate pollution control requirements through the issuance and enforcement of permits for stationary and temporary sources of air pollution in all areas of the State except in Clark and Washoe counties. The Bureau does have statewide responsibility for regulating emissions from steam electric power plants.

Program Objective:

To develop methods to rapidly and accurately assess air quality resources so that appropriate economic growth can proceed while protecting the air resource and human health and environmental quality.

Accomplishment:

Historically, there were few tools that could effectively predict the impact of multiple facilities with several emissions points, within the same air management basin. There are 259 air quality management basins with over 450 facilities. Previous predicting methods (i.e., computer modeling programs) were slow and required a week or longer to generate results.

The Bureau has developed new assessment tools to quickly appraise combined impacts from multiple facilities' on a given air management basin. The Bureau has expanded its data resources required for analyses and has acquired practical computational equipment to perform complex air basin assessments.

Program Objective

Continue to reduce air pollution throughout the State with effective planning, practical regulations and industry partnerships.

Accomplishment:

Air pollutants continue to be reduced by 90% through implementation permit requirements and other regulatory measures.

Program Objective:

Coordinate with the State's agricultural community to develop agricultural fugitive dust "best management practices" to mitigate fugitive dust generated by agricultural businesses.

Accomplishment:

The Bureau has created educational materials and formed working relationships with representatives of the Natural Resources Conservation District of Southern Nevada, the Southern Nye Conservation District, Nevada Department of Agriculture and other interested parties.

Program Objective:

Reform regulations to enable new projects that would generate air emissions begin construction and get into operations more quickly.

Accomplishment:

During the biennium the Bureau updated regulations to reform the State-Issued Operating permit program to include an Operating Permit to Construct component. By separating the construction component of a permit from the operating component, a facility may now begin construction sooner and then transfer into the operations component of the permit. This reform allowed the 14 unit, 125 MW Western 102 Power Plant project to be permitted in a record 5 months, then constructed and in operation in only 13 months after permit issuance.

Program Objective:

Address mercury emissions in the State of Nevada, particularly those derived from mining operations.

Accomplishment:

Working closely with the Nevada mining industry, neighboring States, environmental groups and the US EPA, the Bureau re-evaluated the Voluntary Mercury Reduction Program and developed plans to convert it into a regulatory program. This program will control mercury emissions in an enforceable Air Quality Operating Permit that will further reduce statewide mercury emissions above and beyond current Federal requirements. The program is anticipated to begin in 2006.

Program Objective:

Develop an approach that will enable careful and expeditious review of proposed coal-fired power plant projects. The Bureau is committed to thorough initial reviews that encourage the cleanest facilities and most judicious use of Nevada's air resources.

Accomplishment:

Working closely with applicants, the US EPA and concerned environmental groups, the Bureau has formed a team of modeling and site assessment specialists to provide quick, detailed reviews of pre-construction designs.

Program Objective:

Develop technical expertise to enable auditing of large power generating facilities and other Permittees that rely on automated computerized monitors and record keeping systems.

Accomplishment:

Working with major source facilities and computer and monitoring equipment manufacturers, the Bureau has begun the development of in-house expertise. Staff has developed protocols to utilize this knowledge to more quickly and accurately audit major sources with computerized systems. Staff has also become involved with pre-construction design to assure that computerized systems meet permitted requirements.

BUREAU OF AIR QUALITY PLANNING**Purpose:**

The Bureau is responsible for developing statewide implementation plans and regulations to control air pollution, conducting ambient air monitoring, and developing an annual inventory of air emissions. The Bureau is also responsible for implementing a program for the conversion of public fleets from fossil fuels to alternative fuels and for coordination with the Department of Motor Vehicles regarding vehicle emissions inspection programs in Clark and Washoe counties.

Objective:

Operate an ambient air quality monitoring network to identify areas that approach or exceed the established State and Federal ambient air quality standards.

Accomplishments:

The air monitoring program has demonstrated that Nevada is in compliance with the Federal standards for particulate matter less than 2.5 microns in diameter (PM_{2.5}) throughout the State; particulate matter less than 10 microns (PM₁₀), except portions of Clark County; the eight-hour ozone standard, except for portions of Clark County; and the carbon monoxide standard throughout the State.

Program Objective:

Assist local and regional planning by identifying sources of air pollutants and maintaining an accurate inventory of air pollutant emissions from both stationary and area sources Statewide.

Accomplishments:

Staff has initiated modeling for several Nevada air basins and continues to update the modeling along the Truckee River corridor, all being necessary to plan future development that meets air quality standards. Staff has also continued to maintain the statewide emissions inventory database following strict EPA data format guidelines with real-time modeling and reporting capabilities.

Program Objective:

Work with local government and sources of air pollution to develop strategic partnerships to effectively control the emissions of air pollutants in areas that are not in attainment with State or Federal standards.

Accomplishments:

The Bureau has expanded the number and content of public presentations and interactive meetings and has worked with Clark County on its particulate matter, carbon monoxide, and ozone implementation plans. Staff has further worked with Nye County on the implementation of its dust control ordinances and further preparation of the Clean Air Action Plan for particulate matter. The Bureau also continued to work with Washoe County on a request to the US EPA for redesignation of that area as being in attainment for carbon monoxide.

Objective:

Develop and implement an approvable regional haze State implementation plan.

Accomplishment:

Staff is involved in State and Federal workgroups for development of the State implementation plan for regional haze. Staff is also following the evolution in understanding of western regional effects related to EPA's regional haze rule.

BUREAU OF CORRECTIVE ACTIONS**Purpose:**

The Bureau oversees remediation/corrective actions related to the releases of chemical substances using a multimedia (air, water, soil, and ecological resources) approach. Staff administers the environmental assistance program, superfund/brownfields program, a reimbursement fund for petroleum tank cleanups, and the certification program for environmental consultants.

Program Objective:

Manage investigation and cleanup of sites contaminated by pollutants to ensure protection of public health and the environment.

Accomplishments:

To date, staff has investigated and cleaned up approximately 3,400 sites to State and Federal cleanup standards. Investigative efforts continue in Washoe County to evaluate and determine the extent of groundwater contamination by an organic solvent, perchloroethylene, in downtown Reno.

The Bureau continues to assist EPA Region 9 with investigation of the former Anaconda Mine site in Lyon County. Investigation and analysis of remedial alternative have also continued at the former Rio Tinto mine in northern Elko County.

In Southern Nevada, the Bureau is continuing investigation and cleanup efforts at the BMI industrial complex in Clark County. The cleanup effort is focusing on remediation of contaminants so the site can eventually be suitable for redevelopment.

Program Objective:

Continue to manage the Petroleum Cleanup Fund and implement the Underground Storage Tank Program.

Accomplishments:

In FY04 the Bureau opened 44 petroleum fund cases and allocated \$6.7 million in reimbursement funds. In FY05 there were 10 new cases opened and \$3.6 million allocated (i.e., as of February 15, 2006). To date, the petroleum fund has made reimbursement to over 1,260 cases totaling approximately \$123.5 million.

Program Objective:

Continue certification of environmental consultants by improving testing and establishing reciprocity with other States.

Accomplishments:

To date, the Bureau has certified just over 700 individuals to provide environmental remediation services in Nevada.

Program Objective:

Develop and implement a program to receive, respond to, assess, and mitigate environmental emergencies.

Accomplishments:

The Bureau has continued to maintain duty officers on call 24 hours to receive reports of releases of regulated substances. The Environmental Assistance Program (EAP) duty officers are available to staff the State Emergency Operation Center in the event of an emergency and provides technical input and expertise in release incidents (they are not first responders). Of note, the 2005 Legislature did approve additional funding and staff (supported by a fee program) to support environmental assistance requests.

Program Objective:

Implement an effective Brownfields program to enable restoration and beneficial reuse of contaminated properties.

Accomplishments:

Staff continues to manage the Brownfields Land Recycling Program to redevelop impacted properties and revitalize communities. Grant funding for the program has been ongoing for five years. The cumulative grant funding expended to date totals approximately \$3.05M. Of that funding \$2.25M has

been committed to contracts for the performance of Brownfield assessment and cleanup projects and for technical outreach efforts. The Nevada Brownfield Program has undertaken approximately 20 site-specific projects -- most of those representing large assessment or cleanup sites.

BUREAU OF ENVIRONMENTAL INFORMATION AND PLANNING

Purpose:

The Bureau provides planning, policy analysis, public information and information technology services to the Division. The Bureau coordinates activities associated with the National Environmental Information Exchange Network and the National Environmental Public Health Tracking System. The Bureau also provides staff support to Natural Resource Damage cases.

Objective:

Develop and implement a comprehensive plan to upgrade the agencies database systems and streamline business processes.

Accomplishments:

The Bureau completed an agency Information Management Plan in September 2003. This plan provides guidance for development of the Division's information management systems over a 3-5 year period. The Bureau has made significant progress implementing the plan, including acquisition of modern equipment and software; establishment of standards in a Computer Resource Policy; modernization of several data systems serving the Bureaus of Air Quality Planning, Corrective Action, Mining Regulation and Reclamation, Waste Management and Water Pollution Control; and establishment of a "node" on the national Exchange Network that enables automated data exchange among trading partners.

Objective:

Develop effective working relationship between staff and the Public Information Officer (PIO) to improve public and media relations. Develop and implement an annual communications plan to identify key issues, define communication goals and strategies.

Accomplishments:

The NDEP PIO and EPA IX communications staff conducted communications training for NDEP managers. A communications plan and specific strategies were also developed for significant issues. With the help of its PIO, NDEP has greatly expanded its public outreach efforts through press releases, fact sheets, and public events.

Key Long Term Objectives:

Maintain an effective and stable computing platform. Develop information systems that improve efficiency and better enable staff to perform analyses and solve environmental problems.

Maintain the integrity and credibility of the Division with honest, forthright and responsive public information. Engage stakeholders in controversial environmental issues.

BUREAU OF FEDERAL FACILITIES

Purpose:

The Bureau provides regulatory oversight of environmental remediation activities, hazardous waste management activities, low level and mixed low level radioactive waste disposal activities, and other programs conducted by the U.S. Department of Energy (DOE) at the Nevada Test Site, the Tonopah Test Range, the Central Nevada Test Area (CNTA), and the Shoal site near Fallon. As many as 900 underground nuclear tests were conducted at the Nevada Test Site; one underground test was conducted at CNTA and the Shoal site. Activities focus on cleanup of industrial sites, groundwater monitoring and modeling of underground nuclear test areas, cleanup of contaminated soils and compliance with environmental regulatory requirements

Program Objective:

Work with Federal agencies to develop acceptable planning schedules for the remediation of contaminated sites in Nevada and assure environmental compliance in all other activities.

Accomplishments:

The Bureau has continued to implement the terms of compliance agreements and permits with Federal agencies for corrective action and waste management activities conducted on the Nevada Test Site and other sites in Nevada.

Program Objective:

Work with Federal agencies doing business on the Nevada Test Site (NTS) and the Tonopah Test Range (TTR) to expedite cleanup of contaminated sites to allow potential re-use of sites and facilities for both defense and non-defense purposes.

Accomplishments:

To date, staff has identified approximately 3,200 contaminated sites for assessment and remediation at the above-mentioned Federal facilities. As of January 2005 staff approved over 1,370 of these sites for closure.

Program Objective:

Conduct inspections to determine if Federal facilities are in compliance with applicable State environmental laws and regulations.

Accomplishments:

The Bureau conducted approximately 354 compliance inspections during the biennium.

Key Long Term Goals and Objectives:

The long-term objective of the Bureau is to maintain agency oversight funding and continue to assure that remediation activities are conducted in compliance with regulatory requirements. This will be accomplished by continuing to conduct oversight of NTS and TTR to assure compliance with State regulatory requirements and work closely with all Federal agencies using these facilities to continue remediation of contaminated sites. The Bureau will also maintain regulatory oversight of the disposal

of low level and mixed low level radioactive waste at the Nevada Test Site to assure that waste generators comply with applicable regulations and requirements.

BUREAU OF MINING REGULATION AND RECLAMATION

Purpose:

The Bureau functions to ensure Nevada's mining industry complies with State regulatory programs for the protection of surface and groundwater resources, general pollution control, and reclamation of disturbed lands.

The Bureau is responsible for ensuring the quality of Nevada's water resources are not adversely impacted by active mining operations. Staff issue permits to prevent degradation of Nevada's water, conduct inspections and takes appropriate action to ensure compliance with permit conditions. The Bureau also ensures that land disturbed by mining and exploration activities is returned to a productive post-mining land use. In this endeavor, staff issues reclamation permits, reviews bond cost estimates and establish surety requirements. The Bureau also regulates mines in closure, ensuring chemical stabilization of all components.

Program Objective:

Provide a well-established regulatory framework whereby environmentally responsible mining is encouraged.

Accomplishments:

During the biennium the Bureau issued 197 permits, compared to 107 in the pervious reporting period. Staff conducted 1,218 inspections, compared to 1,145 inspections in the last biennium. Few enforcement actions were required to maintain compliance. Because of rising gold prices and the corresponding explanation in prospecting and mining generally, the Bureau has experience increased workloads over the biennium.

Program Objective:

Work closely with the regulated community, governmental agencies, and stakeholder groups to improve mine closure techniques and overall mine closure direction.

Accomplishments:

The Bureau investigated mine closure strategies including engineered caps and covers, evaporation basins, land application of limited amounts of fluids, and enhanced solution practices. Agencies and operators are now aggressively pursuing technologies to make zero discharge of long-term drain down solutions a standard mining practice.

Program Objective:

Establish and sustain a system of surety that is durable and fiscally secure.

Accomplishments:

The total statewide financial assurance for reclamation reported by the Bureau continues to increase and is currently over \$769 million. The amount that is pledged by secure instruments is over \$581 million, which is 75% of the total. The portion pledged by corporate guarantee has declined and is under \$200 million.

Key Long Term Goals and Objectives:

Prevent degradation of waters of the State and ensure proper reclamation of affected lands in order to ensure a productive post- mining use of the land and provide for public safety.

BUREAU OF SAFE DRINKING WATER**Purpose:**

Safe drinking water is vital to the public health, welfare, and the economy of Nevada. Unlike many other day-to-day government activities, drinking water has a direct and immediate effect on the well-being of every citizen. Regulatory and certification programs operated by the Bureau are designed to reduce outbreaks of waterborne disease from infectious agents and chemical poisoning, while increasing the proportion of people who receive a supply of drinking water that meets standards established by the Environmental Protection Agency (EPA) and the State of Nevada.

The Bureau protects public health by maintaining primacy for and implementing the requirements of the Safe Drinking Water Act. The Bureau also assures public water systems are designed, constructed and operated consistent with all regulatory requirements.

Program Objective:

Conduct sanitary surveys annually of all public water systems that have a surface water intake and complete sanitary surveys at least once every three years for systems that use only ground water.

Accomplishments:

The Bureau continues to conduct sanitary surveys of all public water systems that have a surface water intake; 52 surveys have been completed during the biennium. For ground water systems staff completed survey for 377 systems over the same period.

Program Objective:

Review water system improvement plans and subdivision plans to assure consistency with regulatory requirements.

Accomplishments:

Plan reviews have been completed in mandated regulatory time frames.

Program Objective:

Review water quality monitoring data to assure public water systems meet all applicable drinking water standards.

Accomplishments:

The Bureau has reviewed water quality monitoring reports and systems with violations have been required to take corrective actions.

Key Long Term Goals and Objectives:

Continue to maintain primacy for the Safe Drinking Water Act. Submit primacy packages for all newly regulated compounds. Educate and assist public water systems operators to ensure they comply with new standards to ensure the residents of Nevada continue to receive clean water.

BUREAU OF WATER POLLUTION CONTROL**Purpose:**

The Bureau's purpose is to preserve and protect Nevada's water resources by implementing State and Federal Water Pollution Control laws. The Bureau is charged with issuing wastewater discharge permits, conducting compliance inspections, and enforcing water pollution control permit requirements. Staff evaluate subdivision plans to ensure water pollution control measures and adequate sewage disposal systems are in place. The Bureau also conducts training and certification programs for wastewater treatment plant operators and operates a variety of low cost financing programs for the construction or improvement of water and wastewater facilities throughout Nevada.

Program Objective:

Implement an effective and proactive water pollution control permitting, inspection and compliance program.

Accomplishments:

The Bureau has continued to issue National Pollution Discharge Elimination System permits and State groundwater discharge permits along with inspecting facilities holding those permits. The Bureau's groundwater protection branch also continues to address potential groundwater pollution from septic tanks, oil/water separators, injection wells, etc. In all cases, the Bureau provides assistance to permittees to ensure permit compliance. Staff continues to initiate enforcement actions when appropriate.

Program Objective:

Streamline the permitting process and the compliance evaluation process.

Accomplishments:

The Bureau has initiated development of an interactive permitting and compliance database that will create a more efficient and accurate means for issuing discharge permits. This database will ensure timely compliance reviews and assist the Division in planning and management efforts with respect to surface and groundwater quality.

Program Objective:

Assist communities by issuing low cost loans for the construction of water and wastewater facilities.

Accomplishments:

The Bureau has processed just over \$280 million in loans from the Clean Water State Revolving Loan program for the construction of wastewater treatment facilities. Facilities receiving funding in the last biennium include the City of Reno, the City of Sparks, the Incline Village GID, Lyon County and Washoe County.

The Bureau also processed \$81 million in loans from the Safe Drinking Water State Revolving Loan program for the construction of drinking water facilities in Nevada. Those receiving funding in the last biennium include the City of Henderson, Big Bend (Laughlin), Washoe County, and the Truckee Meadows Water Authority.

Key Long Term Objectives:

The Bureau is committed to expanding and improving business practices with respect to the wastewater and drinking water subdivision review process. The Bureau is also focused on efforts to improve monitoring of groundwater quality programs.

BUREAU OF WATER QUALITY PLANNING**Purpose:**

The Bureau plans, develops and implements programs to protect and improve the chemical, physical and biological integrity of the waters of Nevada. Staff conducts monitoring and develops water quality control regulations and water quality protection/improvement plans. Staff also conducts programs designed to mitigate the adverse effects from nonpoint source pollution through implementation of water quality improvement and public education projects.

Other Bureau activities include the promotion of intra and inter-agency program coordination and the provision of technical assistance to ensure the quality of water, soil and waste samples collected to meet State and Federal requirements.

Program Objective:

Evaluate the chemical, physical and biological health of watersheds throughout Nevada:

Accomplishments:

The Bureau developed the Nevada State Water Quality Monitoring and Assessment Strategy that will guide monitoring activities through 2015. In support of the Assessment Strategy, the Bureau maintained the Statewide surface water quality monitoring network and collected quarterly samples at more than 100 sites throughout Nevada; worked with EPA and the Pyramid Lake Paiute Tribe to develop macro invertebrate, periphyton, fish and physical habitat indices of biological integrity for the Truckee River; developed the 2004 Water Quality Inventory Report and the 2004 List of Impaired Waters that are not meeting water quality standards; developed draft sections of the Carson River Basin Report Card; and initiated development of a database to catalogue mercury concentrations in water, soil and fish tissue.

Program Objective:

Develop and review surface water quality standards including beneficial uses, numeric criteria to protect the uses and requirements to maintain higher water quality.

Accomplishments:

In support of the development and review of surface water quality standards, the Bureau revised the Las Vegas Bay and Lake Mead reach designations and ammonia criteria; initiated review of the municipal and domestic water supply beneficial use for waters located in the Lower Carson River Basin below Lahontan Reservoir; developed proposal to revise the Class Waters sections of the Nevada Administrative Code by developing specific water quality standards for each water body; and initiated water quality monitoring at 46 new sites in the Snake, Black Rock, Central and Walker Basins in order to develop water quality standards.

Program Objective:

Develop total maximum daily loads (TMDLs) to improve surface water quality and control pollutant discharges.

Accomplishments:

The Bureau developed and received EPA approval for total dissolved solids and turbidity TMDLs for Mill Creek and the East Fork Owyhee River; the total phosphorus TMDLs for the Carson River from Stateline to Weeks; and the total dissolved solids TMDL for Walker Lake, fulfilling a Federal Court consent decree to have an approved TMDL by February 2005.

The Bureau also worked with the Lahontan Regional Water Quality Control Board and EPA to develop nutrient and sediment TMDLs for Lake Tahoe.

Program Objective:

Develop local, regional, and statewide plans to ensure water quality standards are maintained and impaired surface waters are restored where possible.

Accomplishments:

To address planning for water quality protection or improvement, the Bureau worked with several local jurisdictions on regional water quality plans known as 208 plans. The Carson Water Subconservancy District updated the Carson River Basin 208 Water Quality Management Plan. EPA approved the plan in 2005. Clark County updated the South Clark County Geographic Area 208 Plan. EPA approved the plan in 2004. Clark County also initiated an update the Northeast Clark County 208 Plan. The Truckee Meadows Regional Planning Agency initiated an update of the Washoe County 208 Plan.

Bureau staff also worked with the Federal and local agencies to initiate the Pathway 2007 process to oversee updates of the various Lake Tahoe Basin management plans.

Program Objective:

Implement the Nonpoint Source Pollution Management Program:

Accomplishments:

Approximately \$1.9 million of 319 Nonpoint Source Program funding was provided to local, regional and State agencies and nonprofit organizations to implement water quality protection or improvement projects.

Program Objective:

Increase agency and public awareness of water quality issues.

Accomplishments:

The Bureau provided approximately \$388,000 of 319 Nonpoint Source Program funding to local, regional and State agencies and nonprofit organizations to implement public education projects. Bureau staff conducted eleven Project Water Education for Teachers (WET) workshops for more than 170 educators and conducted Water Science for Schools presentations at thirteen schools for about 1,300 students.

Program Objective:

Coordinate all BWQP programs to improve program efficiency and effectiveness:

Accomplishment:

The Bureau developed a long range plan that will guide monitoring and assessment, water quality standards, TMDL development and Nonpoint Source Program activities over the next five years.

Program Objective:

Coordinate with local, regional, State and Federal agencies and organizations to improve program efficiency and effectiveness:

Accomplishments:

The Bureau was represented on the board of the Association of State and Interstate Water Pollution Control Agencies. The Bureau entered into a Memorandum of Understanding with the U.S. Bureau of Land Management (BLM) to clarify authorities and identify responsibilities of each agency in carrying out water quality and nonpoint source pollution control programs as related to activities on BLM land. The Bureau chaired the Lake Mead Water Quality Forum, Algae Task Force and Selenium Subcommittee, as well as planned and conducted the March 2004 Truckee River Bioassessment Symposium.

Program Objective:

Administer the State Laboratory Certification Program to ensure laboratories performing analyses to meet Federal requirements prescribe to established methods and procedures:

Accomplishments:

Staff continued to administer the State Laboratory Certification Program to meet requirements of the Safe Drinking Water and Clean Water Acts. In 2004 the State program received approval to certify laboratories for the analysis of samples to meet requirements of the Resource Conservation and Recovery Act. The Bureau received State approval for two new positions, an Environmental Scientist II and Administrative Assistant II, to meet increased workloads. The program was certified by EPA to

perform onsite assessments of laboratories performing microbiological analysis, and during the biennium the program certified more than 90 laboratories Statewide.

Key Long Term Goals and Objectives:

The Bureau will implement the Long Range Plan and Water Quality Monitoring and Assessment Strategy as well as continue to negotiate with EPA on a Total Maximum Daily Load (TMDL) development strategy that emphasizes the need for a thorough review of the water quality standards.

BUREAU OF WASTE MANAGEMENT

Purpose:

The Bureau’s purpose is to plan, regulate, and permit activities to ensure environmentally sound management of solid and hazardous waste to protect public health and the environment. The Bureau is authorized to implement Federal Resource Conservation and Recovery Act which stipulates a regulatory process for “cradle to grave” management of hazardous wastes. In the past biennium the Bureau also enforced regulations governing the State’s Chemical Accident Prevention program (CAPP). The CAPP program implements programs to minimize the risk of accidental releases of highly hazardous chemicals by chemical manufacturing facilities in Nevada.

Program Objective:

Reduce generation of solid and hazardous waste in Nevada by encouraging waste reduction, recycling, and product substitution.

Accomplishments:

Nevada currently diverts approximately 21% of the roughly three million tons of waste disposed in landfills each year. And to address the continued reduction of solid and hazardous waste, the Bureau has established a recycling coordinator position in the Division’s Las Vegas office.

Program Objective:

Prevent uncontrolled releases of hazardous wastes to the environment through effective permitting controls, compliance monitoring, and enforcement.

Accomplishments:

There are approximately 1,840 active generators of hazardous waste in Nevada, about 50 transporters, and six permitted facilities that treat, store, or dispose of hazardous waste. During the biennium, the compliance rate for generators inspected was 95%.

The Division supported legislation (SB 396) in the 2005 session which was enacted and now requires the construction or modification of hazardous waste disposal facilities to include at least one liner and a leachate collection and removal system.

Program Objective:

Prevent release of pollutants or contaminants from solid waste disposal facilities through effective permitting controls, compliance monitoring, and enforcement.

Accomplishments:

To resolve legal disputes and to address environmental and public health concerns over the dumping of construction waste in Nevada, the Bureau has instituted a disposal site permitting process which now requires all new engineered landfills to meet certain design and operating standards. To improve reporting of groundwater monitoring data at disposal sites the Bureau has also issued a technical guidance document and reporting process.

Program Objective:

Reduce the risk of catastrophic release of highly hazardous chemicals. Conduct technical reviews of facility risk assessments, monitoring of compliance with hazard abatement plans and reporting requirements, and enforcement.

Accomplishments:

During the biennium the Bureau conducted inspections at the 45 registered facilities and continued efforts to be actively involved with local agencies to review applications for new facilities.

STATE ENVIRONMENTAL COMMISSION

Purpose:

The commission adopts environmental rules, regulations, and plans authorized by statute to protect the environment and public health and welfare for all Nevadans. The commission also acts as the appeal body to actions of the Nevada Division of Environmental Protection (NDEP).

Organizational Structure:

The commission is an 11-member board composed of citizens and agency administrators. Staff within the NDEP provides support to the Commission.

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| STATUTORY AUTHORITY: | NRS 232.136, 278, 444, 444A, 445A, 445B, 445C, 459, 486A, 519A, 590, and 618 |
| NUMBER OF EMPLOYEES: | 0 FTE/2005 |
| TELEPHONE: | 775. 687.9308 |
| WEB SITE ADDRESS: | http://sec.nv.gov |

Program Objective:

Process regulatory petitions and appeals in a timely and efficient manner

Accomplishments:

The State Environmental Commission adopted 18 regulatory petitions in Calendar year 2004 and 9 regulatory petitions in Calendar year 2005.

In 2004 the regulations adopted by the Commission span a wide range of program activities conducted by the Division of Environmental Projection; examples included: changes to hazardous waste regulations and fees, new standards for class waters, changes in open burning regulations,

modification to regulation for laboratories, adoption of new regulations governing revolving loan funds for Brownfields, and new regulations for concentrated animal feed operations.

Examples of adopted regulations in 2005 included: revision to the vehicle emission testing - inspection & maintenance program, changes to the vehicle emission control program for servicing fuel injection systems, adoption of new regulations governing certification of operators of public water systems, adjustments to mining reclamation permits and fees, new regulations for marina storage tanks, changes to cleanup requirements for petroleum contaminate soil (including MTBE), and adoption of new regulations governing public water system.

Key Long Term Objectives:

Continue to streamline the commission review process for managing regulatory petitions proposed by the Nevada Division of Environmental Protection.

STATE BOARD TO REVIEW CLAIMS (PETROLEUM FUND)

Purpose:

The State Petroleum Fund is designed to provide financial responsibility for Federally regulated underground storage tanks. Coverage is also provided for non-commercial heating oil tanks and enrolled aboveground storage tanks. The fund provides reimbursements for corrective action costs associated with petroleum product releases.

Organizational Structure:

The board is composed of seven members. The four technical staff members administer the Fund.

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| STATUTORY AUTHORITY: | NRS 590.700 to 590.920 |
| NUMBER OF EMPLOYEES: | 0 FTE/2004 |
| TELEPHONE: | 775.687.4670 |
| WEB SITE ADDRESS: | www.ndep.nv.gov |

Program Objective: Continually review fund procedures to make processing of claims more efficient.

Accomplishments:

Staffs have improved and expand the computerized claims tracking system as well as converted the board meeting to 100 percent video conferencing.

Key Long Term Objectives:

Future enhancement will include revision to the program guidelines which will incorporate feedback from the regulated community.

Significant Legislation or Executive Action Affecting the Agency:

In response to legislation passed by the 2005 Nevada Legislatures, the State Environmental Commission adopted new regulations to address leak detection requirement for aboveground storage tank located at marinas in Nevada.

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